

REMARKS

Examiner's Response to Arguments

In Applicant's response to the previous office action the independent claim 34 was amended and new claims 38-40 were added. Applicant also presented arguments as to why these claims were allowable over the cited references.

The Examiner noted that the Applicant's arguments have been considered but are moot in view of new ground(s) of rejection. The Examiner further found that the amendment to claim 34 adding the limitation that the plastic when hardened withstands bending without fracturing fails to overcome the prior art since that all materials allow some degree bending without fracturing, and the applicant fails to state what degree.

The Applicant believes that the claims as presented in the previous office action are allowable, but to address the examiner's concerns and expedite allowance of the pending claims, independent claims 34 and 38 have been amended herein. Specifically, the claims have been amended to include limitations that the wire frame is capable of repeated reshaping and reformation by hand. Applicant submits that this amendment defines the degree by which the wire frame is bendable, and places these claims in condition for allowance over the references cited by the examiner.

Claim Rejections

The examiner rejected claims 34, 38, 39 and 40 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No.

2,123,275 to Dym. Claims 34 and 38 are independent claims with claims 39 and 40 depending from claim 38.

Although applicant does not agree with the Examiner's findings, claims 34 and 38 have been amended to further distinguish it over the Dym references. Specifically, claim 34 and 38 have both been amended so that the wire frame is "is capable of repeated reshaping and reformation by hand." Support for this amendment can be found in the specification as originally filed and with reference to the corresponding Patent Application Publication No. US 2003/0041367, paragraph[0044].

The Dym reference does not disclose, teach or suggest the elements of amended claims 34 and 38. Dym teaches protective headgear made of a molded plastic and rib knit textile fabric (FIG. 6), or molded plastic with a rib knit textile fabric and a composite woven cloth of vegetable fiber and wire (FIG. 9). The molded plastic is disclosed as being a very hard material to provide the protective features of the headgear. As provided on page 2 of Dym, column 1, line 72 to column 2, line 5:

Most suitably, however, the headgear is made from moldable plastics of the type comprising organic condensation products, commonly termed synthetic resins, or resinoils. These materials are initially plastic and moldable, but after being subjected to heat and pressure that become very hard, infusible, electrically non-conducting, insoluble in organic solvents, dilute acids and alkalies, and inert to steam and oil.

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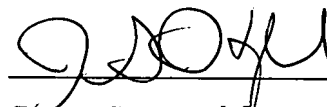
Accordingly, Dym does not disclose, teach or suggest a thermoplastic resin that is capable of repeated reshaping and reformation by hand and can withstand bending without fracturing. Dym instead discloses a very hard material that would not be bendable by hand and if bended would fracture. Dym does not disclose teach or suggest this and other limitations of amended claims 34 and 38 and these claims are allowable over Dym. Claims 39 and 40 are allowable as depending from allowable independent claim 38.

Claims 36-37

The examiner rejected claims 36 and 37 under 35 U.S.C. § 103(a) as being unpatentable of Dym in view of U.S. Patent No. 985,488 to Wright. Applicant respectfully submits that that these claims are allowable as depending from allowable claim 34.

Claims 34, 36-40 are now in a condition for allowance. Applicants respectfully request that a timely Notice of allowance be issued in this case.

Respectfully submitted,



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